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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/653,504

09/02/2003

Steve O. Rasmussen

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08/25/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

STEWART JR, CHARLES W

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/653,504

Applicant(s)

RASMUSSEN, STEVE O.

Examiner

Charles W. Stewart, Jr.

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/8/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine ground in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 428, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321 (c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-7 and 18-23 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1-16 of U.S. Patent No. 6,739,687 B1

Rasmussen et al. discloses a printing system comprising:

With regards to claim 1, a plurality of print heads for printing an image on a print receiving medium; print head actuators operable for individually repositioning said print heads to

optimal locations for each print job; and software operable while a current print job is active for determining said optimal print head locations for a next anticipated print job.

With regards to claim 2, wherein said software supplies said position defining information to said print head actuators prior to the start of a next print job.

With regards to claim 3, wherein at least a portion of said position defining information is provided to said print heads while said current print job is active.

With regards to claim 4, wherein a print head of said print heads includes ink jet nozzles.

With regards to claim 5, wherein a print head of said print heads includes pens.

With regards to claim 6, wherein print head actuators each comprise guides defining a locus of operable locations for said print head, each said guides including a lead screw for positioning said associated print head.

With regards to claim 7, a brake mechanism configured to hold a print head of said print heads at a fixed location while an image is printed on the print receiving medium.

With regards to claim 8, a plurality of print heads; means for repositioning each of said print heads from previous printing locations to desired print head locations in accordance with a determined desired print head location for each said print head on a print job by print job basis; means for determining said desired print head location for a next anticipated print job while a current print job is in process; and means for enabling said repositioning means immediately upon the conclusion of said current print job.

With regards to claim 9, wherein said determining means includes means for examining a print queue to determine an anticipated next print job.

With regards to claim 10, wherein said repositioning means is enabled for currently non-

Art Unit: 2853

active ones of said print heads prior to the completion of said current print job.

With regards to claim 11, wherein a print head of said print heads includes ink jet nozzles.

With regards to claim 12, wherein said means for repositioning said print heads includes a lead screw which positions a print head of said print heads.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a plurality of print heads for printing an image on a print receiving medium wherein said print heads remain stationary during printing and said print receiving medium is moved past said print heads to form images on said print receiving medium.

Contact Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles W. Stewart, Jr. whose telephone number is (571) 272-2154.

Charles Stewart, Jr. 

August 20, 2004


Stephen D. Meler
Primary Examiner